UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS
OF THE
HYDABURG COOPERATIVE ASSOCIATION
ALASKA

RATIFIED APRIL 14, 1938

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CONSTITUTION AND BY-LAWS OF THE HYDABURG COOPERATIVE ASSOCIATION, ALASKA

PREAMBLE

We, a group of Indians having a common bond of occupation in the fish industry, including the catching, processing, and selling of fish and the building of fishing boats and equipment, in Hydaburg, Territory of Alaska, in order to promote our welfare through the development and operation of economics and social enterprises, do establish this Constitution and By-laws in accordance with, and by authority of, the Act of Congress of June 18, 1934 (48 Stat. 984), as amended by the acts of June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250).

ARTICLE I—NAME

SECTION 1. The name of this organization shall be the Hydaburg Cooperative Association, hereinafter called the Association.

ARTICLE II—MEMBERSHIP

SECTION 1. *Original Members.*—All persons whose names appear on the roll, prepared in accordance with the Instructions of the Secretary of the Interior, of those entitled to vote on this Constitution and By-laws, being all the adult Indians sharing the common bond of occupation which is the basis of this organization, shall be members of this Association.

SEC. 2. *Loss of Membership.*—(*a*) Any member may give up his membership at any time upon written notice to the Secretary of the Council, in which case he shall no longer share in the activities and benefits of this Association.

(*b*) Any member who ceases to engage in the fish industry or any activity of this Association in Hydaburg shall lose his membership.

(*c*) Any member who, after notice and an opportunity to present his defense, is found guilty by the Association of fraud or misconduct in his relations with the Association or of working deliberately against the interests of the Association, may be expelled by a two-thirds vote of the members present at any regular or special meeting.

SEC. 3. *New Members.*—(*a*) Membership in this Association shall be open to all Indians who are engaging or who intend immediately to engage in the fish industry or any activity of this Association and who have never previously been a member of this Association and who have been residents of Hydaburg for at least three years.

(*b*) The following Indians who are engaging or intend immediately to engage in the fish industry or any activity of the Association may be admitted to membership, under such conditions as the Association may impose, upon application to the Council and a majority

vote of the members of the Association present at any meeting of the Association:

(1) Persons who lost their membership in the Association but who are residing in Hydaburg.

(2) Persons who have never previously been members of this Association and who have resided in Hydaburg for less than three years.

SEC. 4. *Definition of Terms Effecting Membership.*—(*a*) The term "Hydaburg" shall mean the area within the incorporated limits of the town of Hydaburg, and any area which may be reserved or otherwise acquired for the use of this Association, and the fishing and other occupational areas usually frequented by the inhabitants of the above-described areas.

(*b*) The term "in the fish industry or any activity of the Association" shall include any phase of the fish industry enumerated in the Preamble and any activity carried on by the Association, whether or not a part of the fish industry.

SEC. 5. *Rule-making Power.*—The Association may make rules and regulations to carry out this Article.

ARTICLE III—THE MANAGING BODY

SECTION 1. *Composition and Function.*—(*a*) The managing body shall be a Council composed of the President and six other members elected by the Association.

(*b*) The Council shall represent the Association in all its undertakings and shall exercise the powers of the Association enumerated in this Constitution.

(*c*) It shall be the duty of the Council to report its activities and the state of the affairs of the Association to the members of the Association at each regular meeting of the Association, at which time the members may outline the policies to be followed by the Council.

SEC. 2. *Election.*—(*a*) The Council members shall be elected by the Association on the annual election date by secret ballot.

(*b*) The annual election date shall be the first Thursday after the third Monday in April.

(*c*) The Council shall organize itself within 30 days after each annual election date by electing from within its membership a Vice-President, and from within or without, a Secretary, a Treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

(*d*) Rules and regulations governing the conduct of elections may be adopted by the Association at any regular or special meeting.

SEC. 3. *Tenure of Office.*—(*a*) The term of office of each elected officer shall expire when his successor is elected and qualified.

(*b*) The President of the Council shall be elected annually to serve for a term of one year.

(*c*) Each of the other members of the Council shall be elected to serve for a period of two years.

(*d*) The first election of the Council shall be called and held under the direction of the Constitution, Charter Committee within three

months after the ratification of this Constitution. The members of the Council so elected, other than the President, shall divide themselves into two equal groups "A" and "B" by drawing lots, whereupon the term of office of those in group "A," and of the first President, shall terminate on the regular election date of the second April following, and the term of office of those in group "B" shall terminate on the regular election date of the third April following. Thereafter each member of the Council, other than the President, shall serve two years.

Article IV—Powers of the Association

Section 1. The Association shall have power:

(*a*) To negotiate with the Federal and Territorial Governments on behalf of the Association and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Association.

(*b*) To manage and control all its economic affairs and enterprises in accordance with the charter of the Association which may be issued under the act of June 18, 1934.

(*c*) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(*d*) To levy dues, fees, and assessments, for Association purposes, on its members and to provide for their collection and for their enforcement through the deprivation of privileges accorded to members. No such dues, fees, or assessments shall be laid except by resolutions of the membership adopted at any regular or special membership meeting.

(*e*) To prevent the sale, disposition, lease, or encumbrance of any land, interest in land or waters, or other assets of the Association without its consent.

(*f*) To make assignments of land or water areas of the Association for use and occupancy to members of the Association in accordance with the customs of the Indians forming this Association or with the regulations of the Association.

(*g*) To aid needy members and advance the economic and social security of its members.

(*h*) To protect the natural resources of the Association.

(*i*) To preserve and cultivate the arts, crafts and culture of the Indians of this Association and their customs not in conflict with Territorial law.

Article V—Bill of Rights

Section 1. The Council shall not restrict or in any way abridge the rights of the members of the Association guaranteed under the Constitution of the United States but it shall be its duty to see that the full constitutional rights thereof are maintained and preserved.

Sec. 2. All members of the Association in good standing shall be accorded equal right and opportunity to participate and enjoy the resources, property and benefits of this organization.

Sec. 3. All members of this association in good standing 21 years of age or over, shall have the right to vote.

Article VI—Change of Officers

Section 1. *Forfeiture of Office, Removal and Recall.*—(*a*) Any member of the Council or other officer of the Association who is convicted of a felony or any offense involving dishonesty shall forfeit his office.

(*b*) Any member of the Council who is absent from the regular meetings of the Council for a period of three months without cause or excuse, may have his seat declared vacant by the Council after notice and an opportunity to be heard.

(*c*) Upon a petition signed by one-third of the members of the Association asking the recall of any member of the Council, the Council shall call a special meeting of the members of the Association to vote upon his recall. If the Council member is recalled, the Association members shall proceed to elect his successor to fill the unexpired term.

Sec. 2. *Filling Vacancies.*—If the office of a Council member is vacant for any reason other than his recall, the Council may appoint a successor to serve until the next regular meeting of the Association at which time a member shall be elected to fill the unexpired term.

Article VII—Federation

The Council may for the purpose of forming a federation or union with other organizations of like character appoint a committee to meet with such other organizations and submit its findings to the said Council for appropriate action.

Article VIII—Amendments

Amendments to this Constitution and By-laws may be proposed by resolution of the Council or of the Association which amendments, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Association voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election.

BY-LAWS OF THE HYDABURG COOPERATIVE ASSOCIATION

Article I—Duties of Officers

Section 1. The President of the Council shall preside over all meetings of the Association and of the Council, exercising the usual duties of chairman and any others delegated to him. He may vote in Council meetings only in case of a tie or where the vote is by ballot.

Sec. 2. The Vice-President shall act as President in the absence or disability of the President.

Sec. 3. The Secretary of the Council shall conduct all correspondence and keep a complete and accurate record of all business transacted at Council or Association meetings. It shall be his duty to give promptly to the Government Teacher at Hydaburg for inspection

and forwarding to the Juneau Office of the Office of Indian Affairs two copies of all minutes of all regular and special meetings of the Council or Association.

The Secretary shall record all rules, regulations, and resolutions in appropriate books, indexing the same and assigning a short title, and may publish the same for the information of the Association.

The Secretary shall notify each person of his election to an office of the Association within five days thereof.

SEC. 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all funds of the Association. He shall deposit all such funds in such banks or elsewhere as directed by the Council and, when a Federal charter is adopted, in accordance with such charter. He shall make and preserve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his possession or custody. He shall not pay out or authorize disbursement of any funds for which he is responsible except upon written authorization of the Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and acceptable to the Juneau Office of the Office of Indian Affairs, and at such other times as the Council shall direct. He shall give two copies of the auditor's report and, once each month, two copies of his trial balance to the Government Teacher at Hydaburg for inspection and forwarding to the Juneau Office.

The Treasurer shall be required at the request of the Council or the Commissioner of Indian Affairs to give bond satisfactory to the Council and the Commissioner. The Treasurer shall be present at all special or regular meetings of the Council. The Treasurer may with the advice and consent of the Council appoint assistants.

SEC. 5. The duties of all appointive officers or agents shall be clearly defined by a resolution of the Council at the time of their appointment.

SEC. 6. All accounts, records, books and minutes of the Association shall be subject to examination by members of the Association and by the Commissioner of Indian Affairs or his authorized representative.

ARTICLE II—QUALIFICATIONS OF OFFICERS

SECTION 1. No person may be a candidate for any elective office unless he has the qualifications of a voter.

ARTICLE III—INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office as _____ to the best of my ability; that I will promote and protect the best interests of the Association, in accordance with this Constitution and Bylaws."

Article IV—Time and Place of Council Meetings and Order of Business

Section 1. The Council shall meet on the first Monday of each month at 7:30 p. m., unless otherwise ordered by resolution, and may meet at such other times as may be voted by the Council. The President or three of the Council members may call a special meeting on two days' actual notice to the Council members.

Sec. 2. Unless otherwise ordered by resolution of the Council, meetings shall be held at the principal place of business of the Association, which place shall be such location within Hydaburg as may be determined by the Association by resolution.

Sec. 3. A number equal to one-half of the membership of the Council exclusive of the President shall constitute a quorum.

Sec. 4. The following shall be the order of business unless changed by or with the consent of the Council, namely,

Call to order by the President;
Roll call;
Announcement of quorum;
Reading the minutes of the last meeting;
Correction or approval of the minutes of last meeting;
Treasurer's report;
Report of committees;
Unfinished business;
New business;
Adjournment.

Sec. 5. The Council may adopt regulations governing its procedure, and in the absence thereof, Robert's Rules of Order shall govern.

Sec. 6. Every resolution, after the explanatory clauses, shall begin with the words: "*Be it resolved by the Council of the* _____ _____"

Article V—Meetings of the Association

Section 1. Regular meetings of the Association shall be held twice a year on the second Monday in October and the third Monday in April.

Special meetings may be called at any time by the Council and must be so called upon petition of one-third of the members. For such meetings three days' posted or written notice must be given.

Sec. 2. One-third of the membership shall constitute a quorum at any meeting.

Sec. 3. Meetings shall be held at the principal place of business unless otherwise ordered by resolution of the Association or otherwise specified in the notice of a special meeting.

Article VI—Definitions

Section 1. Whenever the term "Government Teacher at Hydaburg" is used it shall be understood to mean the head Government teacher for the Department of the Interior, Office of Indian Affairs,

or any successor official representing the Office of Indian Affairs in Hydaburg.

SEC. 2. Where the masculine pronoun is used in this Constitution and By-laws and other general documents of the Association, it shall be understood to include the feminine.

SEC. 3. The word "adult" shall mean a person who is 21 years of age or over.

ARTICLE VII—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be effective from and after the date of its ratification by a majority vote of those entitled to vote who vote at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, such ratification to be formally certified by the Election Board.

The persons entitled to vote are all the adult Indians who are engaged in the fish industry, including the catching, processing, and selling of fish and the building of fishing boats and equipment, in Hydaburg, Territory of Alaska, and whose names appear on a roll of such Indians compiled under the Instructions of the Secretary of the Interior.

This Constitution and By-laws are herewith approved by the Acting Secretary of the Interior and submitted for ratification by the group of Indians having a common bond of occupation in the fish industry in Hydaburg, Territory of Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *April 7, 1938.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 7, 1938, by the Acting Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the qualified voters of the Hydaburg Cooperative Association, Hydaburg, Alaska, and was on April 14, 1938, duly ratified by a vote of 121 for, and none against in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with the Alaska Act of May 1, 1936 (49 Stat. 1250), and section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

FRED GRANT,
Chairman, Haida Tribe.

VINCENT W. BARANOVICH,
Secretary, Haida Tribe.

PHILLIP W. LLOYD,
U. S. Government Teacher.

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